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RS/R	REP	AF	ARA
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5			
INR	E	P	IO
5	4	2	5
L	FBO	AID	
3		9	
		SP	
AGR	COM	FRB	INT
	10		7
LAB	TAR	TR	XMB
		4	
AIR	ARMY	NAVY	OSD
	3	5	34
USIA	NSA	CIA	NSC
10	3	20	6

HANDLING INDICATOR

TO : Department of State

INFO : CARACAS, LONDON, PARAMARIBO, THE HAGUE, USUN, USCINCSO

FROM : Amembassy GEORGETOWN

DATE: January 19, 1968

SUBJECT : Guyana/Surinam Border Dispute

REF :

SUGGESTED DISTRIBUTION

1. There is enclosed a background article on the Guyana/Surinam border dispute which appeared in the Guyana Sunday Graphic on January 14. The article traces in detail the legal and historical background of the dispute and the early and more recent diplomacy surrounding it. Except for journalistic license taken in the first paragraphs which tie in Pengel's recent visit to Venezuela with the activation of the dispute, it may be regarded as fully authoritative and as reflecting the point of view of the GOG. In fact, substantive portions were inspired and largely drafted by the Attorney General and Minister of External Affairs, S. S. Ramphal.

2. The article concludes that while the roots of the problem lie far in the past, "their solution lies not in sabre-rattling or in threats or in talks in London or at The Hague but in a resumption of the discussions between the Guyana and Surinam Governments which began two years ago in Paramaribo."

CARLSON

PK

Enclosure: all m. m.

1. Background newspaper article

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FORM 10-64 DS-323

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Contents and Classification Approved by:

PMKattenburg/JL German:mab

1/18/69

The Ambassador

Clearances:

Page 1 of 5

Encl. 1

A-128 from Georgetown

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SURINAM'S CLAIM TO OUR LAND

Anyone knowing even half the facts could have guessed that the time was ripe for the Surinam Government to begin sabre-rattling, or whatever is the Surinam equivalent, on the border issue.

After all, Surinam's Prime Minister Johan Pengel, had spent three days on an official visit to Venezuela at the end of November.

On his return he disclosed that Venezuela's Foreign Minister, Dr. Ignacio Iribarren Borges, was due to visit Surinam shortly.

Mr. Pengel at a press conference stated that he had reached agreement with the Venezuelan Government for the formation of a Working Party comprised of Surinam and Venezuela representatives which would explore trade possibilities between the two countries.

Prime Minister Pengel mentioned in particular that should Surinam crude oil be found in sufficient quantities it could be exported to Venezuela for blending purposes.

He pointed out that Surinam crude oil contained only traces of sulphur while the Venezuelan oil had a relatively high sulphur content.

The possibility also existed that Venezuela might import Surinam alumina for processing into aluminium.

There were clearly several advantages in developing close links between Surinam and Venezuela.

In addition Mr. Pengel disclosed that the Venezuela Government had offered study grants to Surinamers for technical training.

With Surinam and Venezuela moving closer together it was clear that it was only a question of time before the Surinam border issue erupted. After all whether it is from the point of view of Caracas or Paramaribo, two border claims look a great deal better than one.

So early in December when our policemen asked a survey party from Surinam to leave part of our territory, the Surinam Government seized upon it and made a big issue of it.

They described the action as a grave breach of their sovereignty. They asked the Netherlands Government through their Ambassador in London, to request our High Commissioner there to provide clarification at the earliest possible time.

In reply Sir Lionel Luckhoo told the Dutch Ambassador that no permission had

Page 2 of 5
Encl. ~~122~~ 1
A-128 from Georgetown

UNCLASSIFIED

been granted to the Government of Surinam to carry out a survey in the area. And that the presence of the Surinam party was therefore illegal and a violation of Guyana's territorial integrity.

Sir Lionel added that the Guyana police in the circumstances had acted with commendable restraint.

Now all this must have come as something of a shock. After all, we have always had the friendliest relation with our Surinam neighbors.

AGREEMENT REACHED

In January 1966, Mr. Burnham had visited Mr. Pengel in Surinam. The press release issued after the talks stated that agreement had been reached between Guyana and Surinam on ways and means of tackling several problems.

The procedure for discussion of the border issue had been explored and to quote the communique "a certain course of action mutually arrived at."

It was also agreed that Mr. Pengel should visit Guyana to continue discussions.

The communique concluded with a statement that both Ministers remarked upon the very cordial atmosphere which prevailed during the talks and expressed the wish that this was only the beginning of a closer and lasting association between their two countries.

That was January, 1966. The clear meaning of the agreement reached was that the border issue was a matter for settlement between Guyana and Surinam.

But the ink had not dried on the agreement when the Surinam Government seemed to have changed its mind.

On the prodding of the Surinam Government a fortnight later in February 1966, the Netherlands Ambassador in London reopened the border issue with the British Government.

TALKS IN LONDON

They informed the U.K. Government that as Guyana was about to achieve Independence the constitutional settlement should recognise Surinam's claim to the New River area.

Eventually, in spite of the agreement reached in the January talks in Paramaribo, the Surinam and Netherlands Governments insisted on talks in London.

Sir Lionel Luckhoo, our High Commissioner, represented us at that conference in April 1966, between the U.K. Foreign Office and the Netherlands Foreign Minister. Mr. Pengel sent to the talks his representative at The Hague, the Minister Plenipotentiary, Dr. J. F. E. Einaar.

UNCLASSIFIED

Page 3 of 5
Encl. 1
A-128 from Georgetown

UNCLASSIFIED

A release after the meeting stated that: "A frank exchange of views took place. Both sides reiterated their respective positions on the matter under discussion. The importance of cordial relations between British Guiana and Surinam was unanimously agreed.

"The meeting considered ways of continuing the discussions regarding the frontier within the near future and proposals to this end will now be transmitted to the Governments of British Guiana and Surinam for their consideration."

A CLOSE STUDY

There the matter has rested until the recent eruption.

While the Guyana Government has been willing at all times, in keeping with the Paramaribo agreement, to hold discussions directly with the Surinam Government, that Government has shown little interest in pursuing the matter in this way.

Let us now look at the merits of the Surinam claim.

The western banks of the Corentyne and Kutari rivers (that is the banks on the Guyana side) have always been regarded as the eastern boundary of Guyana.

This is unusual, as when a river divides two states the usual boundary is the thalweg or a line drawn down the middle of the river.

GRAB AND COUNTERGRAB

Briefly, this unusual situation has come about in the following way: European settlement in the area began early in the Seventeenth Century. In 1627 a Dutchman named Abraham Van Peere established a colony on the Berbice River and a few years later, under a grant from Charles II to Lord Willoughby and Lawrence Hyde, the British founded a colony near the Surinam River.

As was usual in those centuries, there followed a period of grab and counter-grab between the British and the Dutch.

Eventually just before the turn of the Eighteenth Century, both colonies were taken by the English -- Berbice in 1796 and Surinam in 1799.

The two Dutch Governors -- van Battenburg in Berbice and Frederici in Surinam remained at the posts under the British.

In 1799 the two Governors agreed (legend has it, over a bottle of gin) that the left bank of the Corentyne should be treated as the eastern limit of Berbice but they apparently regarded this as a provisional settlement subject to ratification or revision by the appropriate metropolitan power at the end of the European war then in progress.

UNCLASSIFIED

Page 4 of 5

Encl. 1

A-128 from Georgetown

UNCLASSIFIED

In 1802 the Treaty of Amiens returned both colonies to the Dutch, but the following year they were both retaken by the British and on this occasion the Articles of Capitulation apparently recognized the 1799 settlement between the two Governors as the then current authority for the boundary of Berbice.

The war finally ended in 1815.

In the territorial arrangements that followed, the British decided to keep Berbice, but returned Surinam to the Dutch.

But no international boundary was laid down, in 1815 or after, between the two territories.

The boundary was not a question, and it would seem as if both territories were content to accept the 1799 arrangement which made the Corentyne River and all its islands, Dutch territory and the western banks of the Corentyne and Kutari rivers as the boundary between the two territories.

However, no formal treaty was concluded in which the boundary was demarcated.

Early in the 1930s attempts were made to settle this matter by treaty and indeed a treaty which had already been agreed upon would have been concluded in 1939 between Britain and the Netherlands but for the outbreak of war.

The negotiations leading up to agreement on this draft treaty are of crucial importance.

The significant thing is that all parties to these negotiations recognised the left banks (i.e. west banks of the Corentyne River and the Kutari River as the frontier between Surinam and British Guiana, both rivers to be recognized as Netherlands territory.

THE KUTARI RIVER

Moreover, it was the Netherlands Government which proposed in 1933, the border between Guyana and Brazil was being marked out, that it should follow a path from the Kutari River) as this point in the Kutari River should be regarded as the junction point in the boundaries of the three territories of Brazil, Surinam and British Guiana.

Thus, throughout all the negotiations in the 1930's leading up to agreement on the draft treaty which would have been concluded except for the outbreak of war, the Netherlands Government had recognised the Kutari River (together with the Corentyne River) as the boundary.

Suddenly, after the last war, the Dutch changed their position. Surinam began to claim that the New River which was much further westward than the Kutari was the boundary river and not the Kutari.

This in effect meant that they were laying claim to a large triangular area

Page 5 of 5

Encl. 1

A- 128 from Georgetown

UNCLASSIFIED

of land (about 5,700 sq. miles) lying between the Kutari and New rivers.

The basis of this claim is that it is the New River, discovered by Barrington Brown in 1891, and not the Kutari River which represents the true continuation of the Corentyne.

Then in 1965 the Surinam Government, in pursuance of this claim, took the unprecedented step of altering unilaterally by a territorial decree of 5th May 1965 the name of the "New River" to "Upper Corentyne".

But whatever might be the merits or otherwise of the Surinam claim that the New River is the continuation of the Corentyne it is clear, and our position on this is unassailable, that it is the Kutari River which has always been regarded as the boundary with Surinam.

Surinam's claim to the New River triangle is thus without merit.

The Guyana Government recognises the western banks of the Corentyne and Kutari rivers as forming the boundary between this territory and Surinam, but this recognition does not mean that the Surinam Government has a right to prevent the use of the river by our citizens.

In keeping with recognised practice, the Guyana Government maintains the right of our citizens to use the waters of the Corentyne for normal passage out to sea and for traffic between points on the left bank.

As users of the river we are also entitled to fishing rights and the right to establish stellings, etc.

THE SAME WITH MARONI

Such rights are well recognised.

Indeed a similar situation exists on Surinam's border with French Guiana.

There, it has been recognised by treaty that where the Maroni River constitutes Surinam's eastern boundary with French Guiana its waters shall be shared between the two countries.

The roots of these problems lie far in the past. But it seems clear that their solution lies not in sabre-rattling or in threats or in talks in London or at The Hague but in a resumption of the discussions between the Guyana and Surinam Governments which began two years ago in Paramaribo.

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